

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 3, 2007

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: STEPHEN HARSIN

☐ Consent ☒ Discussion

SUBJECT:

ABEYANCE ITEM - Public Hearing to consider the report of expenses to recover costs for abatement of vacant or abandoned building located at 886 Miller Avenue. PROPERTY OWNER: WALTER & LIZZIE THOMAS (\$4,973 – General Fund) - Ward 5 (Weekly)

Fiscal Impact

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No Impact

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Augmentation Required

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Budget Funds Available

Amount: \$4,973.00

Funding Source: General Fund

Dept./Division: Neighborhood Services/Neighborhood Response

PURPOSE/BACKGROUND:

The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed the Department of Neighborhood Services hired C & W ENTERPRISES to remove refuse, waste, trash, debris, vegetation (dead, dry & overgrown), secure all structures, remove stored vehicles, post No Trespassing, and No Dumping signs on site. To date, there have been nine (9) inspections conducted at this location. The value of the property based on the sale date of September 1968 was \$17,000.00.

RECOMMENDATION:

That the City Council: 1. Approve the report of expenses in the amount of \$4,973.00 in order that the above charges be filed and recorded against the property, constituting a special assessment and lien. 2. Authorize that the Notice and Lien of Assessment be duly recorded with the County Treasurer.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Map
3. Report of Expenses
4. Contractor Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien
8. Abeyance letter to Property Owner

Motion made by LAWRENCE WEEKLY to Approve As Recommended

For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

CITY COUNCIL MEETING OF: JANUARY 03, 2007

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

Video shown but not submitted.

MAYOR GOODMAN declared the Public Hearing open.

DEVIN SMITH, Manager of Neighborhood Response, read the purpose/background regarding the condition of the property as a public hazard and attractive nuisance requiring the described abatement. When no corrective action was taken, nor an appeal filed, the Department of Neighborhood Services hired Disaster Kleen-Up of Nevada to remove debris. The value of the property, based on the sale date of September 1968 was \$17,000. MR. SMITH recommended the City Council approve the report of expenses in the amount of \$3,970 for work completed by C & W Enterprises, \$82.50 in re-inspection fees, \$325 for boarding certificate fee, plus a 15 percent administrative fee of \$595.50, for a total of \$4,973. In addition, the City Council may impose daily civil penalties from September 3, 2006 to January 3, 2006 for 113 days at \$500 a day, not to exceed \$56,500.

WALTER THOMAS, property owner, was present. COUNCILMAN WEEKLY disclosed that he and MR. THOMAS were childhood friends, but that there is no conflict of interest. He added he met with staff, the City Attorney's Office and MR. THOMAS, who was informed that he would follow staff's recommendation and impose the \$4,973 without civil penalties.

MR. THOMAS disagreed with the recommended assessed fee because he cleaned the property himself, and believed he was responsible for only the boarding fees. In addition, the house is not vacant as it is full of furniture. He was told by MR. SMITH that the Marshals would be called if he would not allow the abatement to continue.

COUNCILMAN WEEKLY asked MR. SMITH if the property has already been abated, as indicated by MR. THOMAS. MR. SMITH replied that staff went through the notice process, mailed the property owner notices and posted signs on the property. When no response to the 10-day notice to comply was received, they proceeded with the abatement. The building is considered vacant when the power is not turned on. A five-yard dumpster was filled to the top.

COUNCILMAN WEEKLY understood MR. THOMAS' dispute but followed staff's recommendation and imposed the amount as recommended by staff.

MAYOR GOODMAN declared the Public Hearing closed.